

**JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue  
San Francisco, California 94102-3688

**Report**

TO: Members of the Judicial Council

FROM: Civil and Small Claims Advisory Committee  
Hon. Douglas P. Miller, Chair  
Probate and Mental Health Advisory Committee  
Hon. Stephen D. Cunnison, Chair  
Patrick O'Donnell, 415-865-7665, patrick.o'donnell@jud.ca.gov and  
Douglas C. Miller, 415-865-7535, douglas.miller@jud.ca.gov,  
Committee Counsel

DATE: October 16, 2002

SUBJECT: Forms to Be Recorded (revise forms AT-135; AT-165; EJ-001; EJ-100; EJ-130; DE-226; DE-265/GC-065; DE-305; DE-315; GC-150; and GC-350) (Action Required)

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Issue Statement

Last year, the captions of three existing Judicial Council forms were revised to include larger recorder's boxes in the captions. The enlarged boxes, which correspond to the dimensions provided under Government Code section 27361.6, make it easier for persons to have these forms recorded without adding a separate cover page. The public has responded positively to the revised forms. However, a number of existing Judicial Council forms still have recorder's boxes that are too small and need to be enlarged. Also, two forms have recorders' boxes even though the forms are not generally recorded.

Recommendation

The Civil and Small Claims Advisory Committee and the Probate and Mental Health Advisory Committee recommend<sup>1</sup> that the Judicial Council, effective January 1, 2003, revise the following forms:

1. *Writ of Attachment (Attachment)* (form AT-135);
2. *Notice of Attachment (Attachment)* (form AT-165);

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<sup>1</sup> The Civil and Small Claims Advisory Committee reviewed and recommends revising the first five forms listed below and the Probate and Mental Health Advisory Committee reviewed and recommends revising the remaining forms.

3. *Abstract of Judgment (Civil)* (form EJ-001);
4. *Acknowledgment of Satisfaction of Judgment* (form EJ-100);
5. *Writ of Execution* (form EJ-130).
6. *Spousal Property Order (Probate)* (form DE-226);
7. *Order Confirming Sale of Real Property (Probate)* (form DE-265/GC-065);
8. *Affidavit Re Real Property of Small Value (Probate)* (form DE-305);
9. *Order Determining Succession to Real Property (Probate)* (form DE-315);
10. *Letters of Temporary Guardianship or Conservatorship* (form GC-150); and
11. *Letters of Conservatorship* (form GC-350).

The forms are attached at pages 5–23.

#### Rationale for Recommendation

Five forms (forms EJ-100; DE-265/GC-065; DE-305; DE-315; and GC-350) would be revised to have larger recorder's boxes. This will make it easier for these documents to be recorded.

Three forms (forms AT-165, DE-226, and GC-150) that currently do not have recorders' boxes would be revised to include boxes because these forms are sometimes recorded.

Two forms (forms AT-135 and EJ-130) that currently have recorder's boxes would be revised to delete the boxes. Although these forms may be attached to other documents that are recorded, the forms themselves are not recorded. Thus, the boxes are not necessary.

Finally, one form (EJ-001) whose recorder's box was previously enlarged would be further revised so that the box for indicating the date on which the abstract is issued would be larger. Also, item 5c, which provides a second place to indicate the date on which renewal was entered would be deleted as unnecessary.

Various minor technical revisions would be made to the forms, including adding spaces for fax numbers and e-mail addresses, improving page numbering, and making other changes to conform to the current format for Judicial Council forms.

### Alternative Actions Considered

The committee regarded the alternative of leaving the undersized recorder's boxes on the forms as undesirable.

### Comments From Interested Parties

Sixteen comments were received on the forms. The commentators included judges, court executive officers, clerks, and representatives of the Process Server Institute and the California Association of Collectors. Most of the comments were favorable.<sup>2</sup>

Seven commentators agreed with the revisions without providing any specific comments. Most of the commentators who suggested specific changes recommended technical modifications. For instance, several commentators recommended providing more space for particular items on the forms. Where this was feasible, the spaces on the forms were increased.

A commentator on the *Memorandum of Garnishee (Attachment)* (form AT-167, EJ-152) recommended a number of substantive changes to this form. The Civil and Small Claims Advisory Committee agreed that this form needs a more substantial revision. Hence, although the form was circulated, the committee does not recommend that it be revised at this time. The form will be reviewed further and revised next year.

A commentator proposed that the *Spousal Property Order (Probate)* (form DE-226), which does not have a recorder's box, be revised to include one. The Probate and Mental Health Advisory Committee agreed that a recorder's box should be added to this form. Spousal property orders are often recorded to convey a deceased spouse's interest in real property to the surviving spouse or to establish of record that the surviving spouse's interest in real property is confirmed to him or her when real property has been determined to pass to, or is confirmed to belong to, the surviving spouse. The *Spousal Property Order (Probate)* was not included in the group of forms circulated for comment. But because the addition of the recorder's box for the *Spousal Property Order (Probate)* would be a non-controversial technical change that would benefit the public, the Probate and Mental Health Advisory Committee recommends that the form be revised, effective January 1, 2003, without being circulated for comment.

Finally, a commentator suggested eliminating the box around the words, "This abstract issued on (date):" in the *Abstract of Judgment (Civil)* (form EJ-001). Recorder's offices sometimes reject abstracts because the date stamped in the box touches the outside. Instead of eliminating the box, the Civil and Small Claims

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<sup>2</sup> A chart summarizing the comments and the committees responses is attached at pages 24–28.

Advisory Committee that the solution to this problem is to enlarge the box for the date of issuance. The *Abstract of Judgment (Civil)* was revised last year to contain a larger recorder's box and so was not included in the group of forms with recorder's boxes circulated for comment this spring. However, to remedy the technical problem described above, the committee recommends that this form be revised again without being circulated for comment. Because the *Abstract of Judgment* form is used so extensively, it should be revised to eliminate any technical problems.

#### Implementation Requirements and Costs

Courts may incur some additional costs in making the revised forms available. However, the advantages to the public, the courts, and the counties in having more easily recordable forms available favors their revision at this time.

#### Attachments

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):  TELEPHONE NO. : E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF:  DEFENDANT:	
<b>WRIT OF ATTACHMENT</b> <input type="checkbox"/> AFTER HEARING <input type="checkbox"/> EX PARTE	CASE NUMBER:

1. TO THE SHERIFF OR ANY MARSHAL OR CONSTABLE OF THE COUNTY OF:
2. TO ANY REGISTERED PROCESS SERVER: You are only authorized to serve this writ in accord with CCP 488.080.
3. This writ is to attach property of defendant (*name and last known address*):

and the attachment is to secure: \$

4. Name and address of plaintiff:

5. YOU ARE DIRECTED TO ATTACH the following property or so much thereof as is clearly sufficient to satisfy the amount to be secured by the attachment (*describe property and state its location; itemize by letter*):

☐ This information is on an attached sheet.

6. ☐ An interest in the real property described in item 5 stands upon the records of the county, in the name of the following person other than the defendant:

a. Name:

b. Mailing address, if known, as shown by the records of the office of the county tax assessor (*specify*):

7. ☐ The real property on which the
  - ☐ crops described in item 5 \_\_\_ are growing
  - ☐ timber described in item 5 \_\_\_ to be cut is standing stands upon the records of the county in the name of
    - a. Name:
    - b. Address:

[SEAL]

Date:

Clerk, by \_\_\_\_\_, Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):

After recording return to:

TELEPHONE NO.:

FAX NO. (Optional):

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name):

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF**

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

**FOR RECORDER'S USE ONLY**

CASE NUMBER

LEVYING OFFICER (Name and Address):

PLAINTIFF:

DEFENDANT:

**NOTICE OF ATTACHMENT****[This form is used in connection with levy under a writ of attachment.]****FOR COURT USE ONLY**

TO THE PERSON NOTIFIED (name):

1. Plaintiff in this action seeks to attach property in which defendant has an interest. The property to be attached is
  - a. ☐ (describe property):
  - b. ☐ described in the *Writ of Attachment* and *Order for Issuance of Writ of Attachment*, attached hereto and incorporated by reference.
2. You are notified as
  - a. ☐ a defendant.
  - b. ☐ a person other than defendant (state capacity in which person is being notified):

**(Read Information for Defendant or Information for Person Other than Defendant on reverse.)**

3. A notice was filed with the
  - a. ☐ Secretary of State.
  - b. ☐ Department of Motor Vehicles.
  - c. ☐ Department of Housing and Community Development.

4. Notice of Attachment was
  - a. ☐ mailed on (date):
  - b. ☐ delivered on (date):
  - c. ☐ posted on (date):
  - d. ☐ filed on (date):
  - e. ☐ recorded on (date):

Signed by:


☐ Levying officer    ☐ Registered process server

**— INFORMATION FOR DEFENDANT —**

1. The levying officer may be required to take custody of property described in item 1 in your possession or under your control. You have a right to be represented by an attorney in this lawsuit.
2. You may claim any available exemption for your property. An exemption for real property may be claimed any time before the entry of judgment. If the right to attach order or writ of attachment was issued without a noticed hearing and you wish to claim an exemption for personal property, you must do so within 30 days after the levying officer serves you with the Notice of Attachment describing the property. If you do not claim an exemption, you may lose it and the property is subject to attachment. If you wish to seek the advice of an attorney, you should do so immediately so that a claim of exemption can be filed on time.
3. Plaintiff has filed an undertaking. You have the right to object to the undertaking and may apply for an order to substitute an undertaking for your property which has been or is subject to being attached.
4. You have a duty to release tangible personal property to the levying officer. You have the rights and duties specified in Code of Civil Procedure section 488.395 if your farm products or inventory of a going business have been or are subject to attachment.
5. If the property is perishable or will greatly deteriorate in value, or for other good reason, you may apply ex parte, or if the court or court rule requires, by noticed motion, for an order appointing a receiver or directing the levying officer to take any action necessary to preserve the value of the property, including selling the property. The court may order any receiver to be paid from the proceeds of the sale of your property.
6. You may apply for a release of the attachment to the extent that the value of your interest in the property exceeds the amount necessary to satisfy the attachment.
7. You may apply to the court for an order modifying or vacating any temporary protective order in the interests of justice or for an order terminating the same upon filing an undertaking.
8. If the writ of attachment has been issued against you because you are a nonresident, you may have the right to attach order set aside by filing a general appearance.
9. If the writ of attachment was issued on an ex parte application, you may apply for an order that the right to attach order be set aside, the writ quashed, and any property levied upon pursuant to the writ be released.
10. If you recover judgment against plaintiff, you may apply for a release of all property attached by plaintiff under the Writ of Attachment. If judgment is recovered against you and you appeal, you have the right to obtain the release of your property by filing a sufficient undertaking.
11. You may object to the amount sought to be secured by the attachment.
12. You may recover damages for wrongful attachment.

**— INFORMATION FOR PERSON OTHER THAN DEFENDANT —**

1. If the property attached or sought to be attached is in your possession or under your control and you do not claim the right to possession or a security interest, you must deliver the property to the levying officer. If you do not deny an obligation levied upon or do not claim a priority over the plaintiff's lien, you must pay to the levying officer the amount that is due and payable and that becomes due and payable during the period of the attachment lien. You must execute and deliver any documents needed to transfer the property.
2. You must complete the accompanying Memorandum of Garnishee.
3. If you claim ownership or the right to possession of real or personal property levied upon or if you claim a security interest in or lien on personal property levied upon, you may make a third-party claim and obtain the release of the property pursuant to Code of Civil Procedure sections 720.010–720.800.
4. If you have an interest in the property attached or sought to be attached and the property is perishable or will greatly deteriorate in value, or for other good reason, you may apply ex parte, or if the court or court rule requires, by noticed motion, for an order appointing a receiver or directing the levying officer to take any action necessary to preserve the value of the property, including selling the property. The court may order any receiver to be paid from the proceeds of the sale of your property.
5. **Make checks payable to the levying officer.**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and address):

TEL NO.:

☐ Recording requested by and return to:☐ ATTORNEY FOR ☐ JUDGMENT CREDITOR ☐ ASSIGNEE OF RECORD

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

FOR RECORDER'S USE ONLY

PLAINTIFF:

DEFENDANT:

## ABSTRACT OF JUDGMENT

☐ Amended

CASE NUMBER:

FOR COURT USE ONLY

1. The ☐ judgment creditor ☐ assignee of record applies for an abstract of judgment and represents the following:

a. Judgment debtor's

Name and last known address

b. Driver's license No. and state:

c. Social security No.:

d. Summons or notice of entry of sister-state judgment was personally served or mailed to (name and address):

☐ Unknown☐ Unknowne. ☐ Original abstract recorded in this county:

(1) Date:

(2) Instrument No.:

f. ☐ Information on additional judgment debtors is shown on page two.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF APPLICANT OR ATTORNEY)

2. a. ☐ I certify that the following is a true and correct abstract of the judgment entered in this action.b. ☐ A certified copy of the judgment is attached.

3. Judgment creditor (name and address):

4. Judgment debtor (full name as it appears in judgment):

6. Total amount of judgment as entered or last renewed: \$

7. ☐ An ☐ execution lien ☐ attachment lien is endorsed on the judgment as follows:

a. Amount: \$

b. In favor of (name and address):

5. a. Judgment entered on (date):

b. Renewal entered on (date):

This abstract issued on (date):

8. A stay of enforcement has

a. ☐ not been ordered by the court.b. ☐ been ordered by the court effective until (date):9. ☐ This judgment is an installment judgment.

Clerk, by \_\_\_\_\_, Deputy



PLAINTIFF:  DEFENDANT:	CASE NUMBER:
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INFORMATION ON ADDITIONAL JUDGMENT DEBTORS

<p>10. Name and last known address</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> <p>Driver's license No. &amp; state: <input type="checkbox"/> Unknown</p> <p>Social security No.: <input type="checkbox"/> Unknown</p> <p>Summons was personally served at or mailed to (address):</p>	<p>14. Name and last known address</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> <p>Driver's license No. &amp; state: <input type="checkbox"/> Unknown</p> <p>Social security No.: <input type="checkbox"/> Unknown</p> <p>Summons was personally served at or mailed to (address):</p>
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<p>11. Name and last known address</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> <p>Driver's license No. &amp; state: <input type="checkbox"/> Unknown</p> <p>Social security No.: <input type="checkbox"/> Unknown</p> <p>Summons was personally served at or mailed to (address):</p>	<p>15. Name and last known address</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> <p>Driver's license No. &amp; state: <input type="checkbox"/> Unknown</p> <p>Social security No.: <input type="checkbox"/> Unknown</p> <p>Summons was personally served at or mailed to (address):</p>
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<p>12. Name and last known address</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> <p>Driver's license No. &amp; state: <input type="checkbox"/> Unknown</p> <p>Social security No.: <input type="checkbox"/> Unknown</p> <p>Summons was personally served at or mailed to (address):</p>	<p>16. Name and last known address</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> <p>Driver's license No. &amp; state: <input type="checkbox"/> Unknown</p> <p>Social security No.: <input type="checkbox"/> Unknown</p> <p>Summons was personally served at or mailed to (address):</p>
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<p>13. Name and last known address</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> <p>Driver's license No. &amp; state: <input type="checkbox"/> Unknown</p> <p>Social security No.: <input type="checkbox"/> Unknown</p> <p>Summons was personally served at or mailed to (address):</p>	<p>17. Name and last known address</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> <p>Driver's license No. &amp; state: <input type="checkbox"/> Unknown</p> <p>Social security No.: <input type="checkbox"/> Unknown</p> <p>Summons was personally served at or mailed to (address):</p>
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18. ☐ Continued on Attachment 18.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):

After recording return to:

TELEPHONE NO.:

FAX NO. (Optional):

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name):

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF**

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

**FOR RECORDER'S OR SECRETARY OF STATE'S USE ONLY**

PLAINTIFF:

DEFENDANT:

CASE NUMBER:

**ACKNOWLEDGMENT OF SATISFACTION OF JUDGMENT**☐ **FULL** ☐ **PARTIAL** ☐ **MATURED INSTALLMENT****FOR COURT USE ONLY**

## 1. Satisfaction of the judgment is acknowledged as follows:

a. ☐ Full satisfaction(1) ☐ Judgment is satisfied in full.(2) ☐ The judgment creditor has accepted payment or performance other than that specified in the judgment in full satisfaction of the judgment.b. ☐ Partial satisfaction

The amount received in partial satisfaction of the judgment is \$

c. ☐ Matured installment

All matured installments under the installment judgment have been satisfied as of (date):

## 2. Full name and address of judgment creditor:\*

## 3. Full name and address of assignee of record, if any:

## 4. Full name and address of judgment debtor being fully or partially released:\*

## 5. a. Judgment entered on (date):

b. ☐ Renewal entered on (date):6. ☐ An ☐ abstract of judgment ☐ certified copy of the judgment has been recorded as follows (complete all information for each county where recorded):**COUNTY****DATE OF RECORDING****INSTRUMENT NUMBER**7. ☐ A notice of judgment lien has been filed in the office of the Secretary of State as file number (specify):**NOTICE TO JUDGMENT DEBTOR:** If this is an acknowledgment of full satisfaction of judgment, it will have to be recorded in each county shown in item 6 above, if any, in order to release the judgment lien, and will have to be filed in the office of the Secretary of State to terminate any judgment lien on personal property.

Date:

(SIGNATURE OF JUDGMENT CREDITOR OR ASSIGNEE OF CREDITOR OR ATTORNEY\*\*)

Page 1 of 1

\*The names of the judgment creditor and judgment debtor must be stated as shown in any Abstract of Judgment which was recorded and is being released by this satisfaction. \*\* A separate notary acknowledgment must be attached for each signature.

## Code of Civil Procedure, §§ 699.520, 712.010, 715.010

SHORT TITLE:  _____	CASE NUMBER:  _____
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— Items continued from the first page —

4. ☐ **Additional judgment debtor** (*name and last known address*):  
 \_\_\_\_\_

7. ☐ **Notice of sale** has been requested by (*name and address*):  
 \_\_\_\_\_

8. ☐ **Joint debtor** was declared bound by the judgment (CCP 989-994)  
 a. on (*date*): \_\_\_\_\_ a. on (*date*): \_\_\_\_\_  
 b. name and address of joint debtor: \_\_\_\_\_ b. name and address of joint debtor: \_\_\_\_\_

c. ☐ additional costs against certain joint debtors (*itemize*):  
 \_\_\_\_\_

9. ☐ (*Writ of Possession or Writ of Sale*) **Judgment** was entered for the following:  
 a. ☐ Possession of real property: The complaint was filed on (*date*): \_\_\_\_\_ **(Check (1) or (2)):**  
     (1) ☐ The Prejudgment Claim of Right to Possession was served in compliance with CCP 415.46.  
         The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.  
     (2) ☐ The Prejudgment Claim of Right to Possession was NOT served in compliance with CCP 415.46.  
         (a) \$ \_\_\_\_\_ was the daily rental value on the date the complaint was filed.  
         (b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following  
             dates (*specify*): \_\_\_\_\_  
 b. ☐ Possession of personal property  
     ☐ If delivery cannot be had, then for the value (*itemize in 9e*) specified in the judgment or supplemental order.  
 c. ☐ Sale of personal property  
 d. ☐ Sale of real property  
 e. Description of property: \_\_\_\_\_

**— NOTICE TO PERSON SERVED —**

WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying Notice of Levy.  
 WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will make a demand upon you for the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.  
 WRIT OF POSSESSION OF REAL PROPERTY. If the premises are not vacated within five days after the date of service on the occupant or, if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with CCP 1174 unless you or the owner of the property pays the judgment creditor the reasonable cost of storage and takes possession of the personal property not later than 15 days after the time the judgment creditor takes possession of the premises.  
 ► A Claim of Right to Possession form accompanies this writ (unless the Summons was served in compliance with CCP 415.46).

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):  
After recording return to:

TELEPHONE NO.:

FAX NO. (Optional):

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name):

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF**

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

ESTATE OF (Name):

FOR RECORDER'S USE

☐ DECEDENT ☐ CONSERVATEE ☐ MINOR

**ORDER CONFIRMING SALE OF REAL PROPERTY**

☐ And Confirming Sale of Other Property as a Unit

CASE NUMBER:

FOR COURT USE ONLY

1. Hearing date: Time: Dept.: Room:

**THE COURT FINDS**

2. All notices required by law were given and, if required, proof of notice of sale was made.

3. a. ☐ Sale was authorized or directed by the will

b. ☐ Good reason existed for the sale

of the property commonly described as (street address or location):

4. The sale was legally made and fairly conducted.

5. The confirmed sale price is not disproportionate to the value of the property.

6. ☐ Private sale: The amount bid is 90% or more of the appraised value of the property as appraised within one year of the date of the hearing.

7. An offer exceeding the amount bid by the statutory percentages

☐ cannot be obtained ☐ was obtained in open court. The offer complies with all applicable law.

8. The personal representative has made reasonable efforts to obtain the highest and best price reasonably attainable for the property.

**THE COURT ORDERS**

9. The sale of the real property legally described ☐ on next page ☐ in Attachment 9

☐ and other property sold as a unit described ☐ on next page ☐ in Attachment 9a

is confirmed to (name):

(manner of vesting title):

for the sale price of: \$

on the following terms (use attachment or reverse if necessary):

10. The personal representative (name):

is directed to execute and deliver a conveyance of the estate's interest in the property described in item 9

☐ and other property described in item 9 upon receipt of the consideration for the sale.

11. a. ☐ No additional bond is required.

b. ☐ Personal representative shall give an additional bond for: \$ , surety, or otherwise, as provided by law.

c. ☐ Net sale proceeds shall be deposited by escrow holder in a blocked account to be withdrawn only on court order.

Receipts shall be filed. (Specify institution and location):

12. a. ☐ No commission is payable.

b. ☐ A commission from the proceeds of the sale is approved in the amount of: \$  
to be paid as follows (specify):

13. Other (specify; use attachment or next page if necessary):

Date:

JUDGE OF THE SUPERIOR COURT

☐ SIGNATURE FOLLOWS LAST ATTACHMENT

14. Number of pages attached: \_\_\_\_\_

15. ☐ Legal description on page 2.

ESTATE OF <i>(Name)</i> :  	CASE NUMBER:  
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16. ☐ **Legal description** of the ☐ real property ☐ personal property in item 9 (*describe*):

[SEAL]	<b>CLERK'S CERTIFICATE</b>
	I certify that the foregoing <i>Order Confirming Sale of Real Property</i> , including any attached description of real or personal property, is a true and correct copy of the original on file in my office.
	Date: _____ CLERK, by _____, Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):

After recording return to:

TELEPHONE NO.:

FAX NO. (Optional):

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name):

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF**

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

TEMPORARY ☐ GUARDIANSHIP ☐ CONSERVATORSHIP  
OF (Name):☐ MINOR ☐ CONSERVATEE

FOR RECORDER'S USE ONLY

CASE NUMBER:

**LETTERS OF TEMPORARY ☐ GUARDIANSHIP ☐ CONSERVATORSHIP**  
**☐ Person ☐ Estate**

FOR COURT USE ONLY

**LETTERS**

1. (Name):

is appointed temporary ☐ guardian ☐ conservator of the ☐ person  
☐ estate of (name):2. ☐ Other powers have been granted or restrictions imposed on the temporary  
☐ guardian ☐ conservator as ☐ specified below  
☐ specified in Attachment 2.3. These *Letters* shall expire

- a.
- ☐
- on (date): or upon earlier issuance of
- Letters*
- to a general
- 
- guardian or conservator.
- 
- b.
- ☐
- other date (specify):

4. ☐ The temporary ☐ guardian ☐ conservator is not authorized to take possession of money or any other property  
without a specific court order.

5. Number of pages attached: \_\_\_\_\_

WITNESS, clerk of the court, with seal of the court affixed.

(SEAL)

Date:

Clerk, by

(DEPUTY)

**AFFIRMATION**I solemnly affirm that I will perform the duties of temporary ☐ guardian ☐ conservator according to law.

Executed on (date):

at (place): , California.

(SEAL)

WITNESS, clerk of the court, with  
seal of the court affixed.

Date:

Clerk, by

(DEPUTY)

(SIGNATURE OF APPOINTEE)

**CERTIFICATION**I certify that this document and any attachments is a correct copy of  
the original on file in my office, and that the *Letters* issued to the  
person appointed above have not been revoked, annulled, or set  
aside and are still in full force and effect.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):

☐ After recording return to:

TELEPHONE NO.:

FAX NO. (Optional):

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name):

## SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

CONSERVATORSHIP OF (Name):

FOR RECORDER'S USE ONLY

CONSERVATEE

CASE NUMBER:

## LETTERS OF CONSERVATORSHIP

☐ Person ☐ Estate ☐ Limited Conservatorship

FOR COURT USE ONLY

1. ☐ (Name): \_\_\_\_\_ is the appointed  
☐ conservator ☐ limited conservator of the ☐ person ☐ estate  
of (name): \_\_\_\_\_
2. ☐ (For conservatorship that was on December 31, 1980, a guardianship of an adult  
or of the person of a married minor) (Name): \_\_\_\_\_  
was appointed the guardian of the ☐ person ☐ estate by order  
dated (specify): \_\_\_\_\_ and is now the conservator of  
the ☐ person ☐ estate of (name): \_\_\_\_\_
3. ☐ Other powers have been granted or conditions imposed as follows:
  - a. ☐ Exclusive authority to give consent for and to require the conservatee to  
receive medical treatment that the conservator in good faith based on  
medical advice determines to be necessary even if the conservatee  
objects, subject to the limitations stated in Probate Code section 2356.  
(1) ☐ This treatment shall be performed by an accredited practitioner  
of the religion whose tenets and practices call for reliance on  
prayer alone for healing of which the conservatee was an adherent prior to the establishment of the  
conservatorship.  
(2) ☐ (If court order limits duration) This medical authority terminates on (date): \_\_\_\_\_
  - b. ☐ Authority to place conservatee in a care or nursing facility described in Probate Code section 2356.5(b).
  - c. ☐ Authority to authorize the administration of medications appropriate for the care and treatment of dementia described  
in Probate Code section 2356.5(c).
  - d. ☐ Powers to be exercised independently under Probate Code section 2590 as specified in Attachment 3d (specify  
powers, restrictions, conditions, and limitations).
  - e. ☐ Conditions relating to the care and custody of the property under Probate Code section 2402 as specified in Attach-  
ment 3e.
  - f. ☐ Conditions relating to the care, treatment, education, and welfare of the conservatee under Probate Code section  
2358 as specified in Attachment 3f.
  - g. ☐ (For limited conservatorship only) Powers of the limited conservator of the person under Probate Code section  
2351.5 as specified in Attachment 3g.
  - h. ☐ (For limited conservatorship only) Powers of the limited conservator of the estate under Probate Code section  
1830(b) as specified in Attachment 3h.
  - i. ☐ Other (specify): \_\_\_\_\_

(SEAL)

4. ☐ The conservator is **not** authorized to take possession of money or any other property without a  
specific court order.

5. Number of pages attached: \_\_\_\_\_

WITNESS, clerk of the court, with seal of the court affixed.

Date: \_\_\_\_\_

Clerk, by \_\_\_\_\_, Deputy

Page 1 of 2

This form may be recorded as notice of the establishment of a conservatorship of the estate as provided in Probate Code section 1875.



CONSERVATORSHIP OF <i>(Name)</i> : _____	CASE NUMBER: _____
CONSERVATEE	

## LETTERS OF CONSERVATORSHIP

### AFFIRMATION

I solemnly affirm that I will perform according to law the duties of ☐ conservator ☐ limited conservator.

Executed on *(date)*: \_\_\_\_\_, at *(place)*: \_\_\_\_\_



\_\_\_\_\_  
(SIGNATURE OF APPOINTEE)

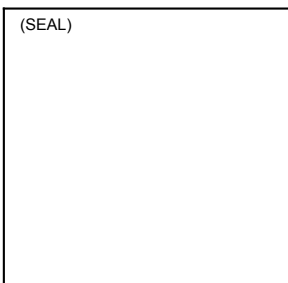
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### CERTIFICATION

I certify that this document and any attachments is a correct copy of the original on file in my office, and that the letters issued to the person appointed above have not been revoked, annulled, or set aside, and are still in full force and effect.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

(SEAL)



Comments for SPR02-16  
Forms to be Recorded

	Commentator	Position	Comment on behalf of group?	Comment	Committees Responses
1.	Sandy Almansa Supervising Legal Clerk II Superior Court of California, County of Stanislaus	A	N	Agree with proposed changes.	No response required.
2.	Hon. Ronald L. Bauer Chair, Rules and Forms Committee Superior Court of California, County of Orange	A	Y	<p>The Rules and Forms Committee of the Superior Court of Orange County reviewed the proposal and approved the following comments submitted by staff, Virginia Davidow, Director, Civil Limited Operations, and Sandy Smith, Manager, Civil/Small Claims:</p> <p><u>Comments submitted by Virginia Davidow</u> The form most recorded is the <i>Abstract of Judgment</i>; yet, it's not being revised. I suggest including this form in the revision. We have daily problems with the <i>Abstract of Judgment</i> form being rejected by the Recorder's Office. The box for "date of issuance" is too small and cannot accommodate a date stamp. The Recorder's Office rejects the abstract if the date touches the box. It is very difficult to apply the date in the box. I suggest removing the box altogether.</p> <p>The <i>Writ of Execution</i> is shown as a "recorded" form. It's directed to the Levying Officer and not the Recorder's Office. Did you intend for this to be the <i>Abstract of Judgment</i> instead of the writ?</p> <p>As a side note, the writ should be a mandatory form; currently, it is only approved as an optional form.</p>	<p>The Civil and Small Claims Advisory Committee agreed that the <i>Abstract of Judgment</i> should also be revised at this time. It concluded that the solution for the problem is to enlarge the box for date of issuance. It revised the form accordingly. It also deleted item 5c (the second place to indicate the date on which a judgment was reviewed) as unnecessary.</p> <p>The <i>Writ of Execution</i> as revised would not be a recorded form.</p> <p>The Civil and Small Claims Advisory Committee will consider in the future whether this form should be made</p>

Positions: A = Agree; AM = Agree only if modified; N = Do not agree.

Comments for SPR02-16  
Forms to be Recorded

	Commentator	Position	Comment on behalf of group?	Comment	Committees Responses
				<p><u>Comments submitted by Sandy Smith</u></p> <p><i>Writ of Attachment</i> (form AT-135), Line 2. After “You are only authorized to serve,” the next part of the sentence is on the next line. It should all be together on one line as follows: “TO ANY REGISTERED PROCESS SERVER: You are only authorized to serve this writ in accord with C.C.P. § 488.080.” The same goes for line 5. After “or so much thereof,” the sentence should just continue on the same line.</p> <p><i>Writ of Execution</i> (form EJ-130) needs more room for the attorney’s name and address in the top box, left side.</p>	<p>mandatory. The proposal to make the form mandatory, if approved, would need to be circulated for public comment.</p> <p>The Civil and Small Claims Advisory Committee agreed with these suggestions and corrected the form.</p> <p>The Civil and Small Claims Advisory Committee agreed that more room should be available if possible.</p>
3.	Harlean Carroll Probate Attorney Superior Court of California, County of Los Angeles	AM	N	Agree with proposal, but I suggest that you may want to include the probate form <i>Spousal Property Order</i> (form DE-226).	The Probate and Mental Health Advisory Committee agreed with the suggestion and recommends revising form DE-226 to include a recorder’s box.
4.	Kenneth D. Cooper Woodland Hills, California	N	N	<i>Application for and Renewal of Judgment</i> (form EJ-190): Item 3 does not request the information called for in Code of Civil Procedure section 683.140(b). The code clearly states that the <i>Application</i> shall contain “the date of entry of the judgment and of any renewals of the judgment and where entered in the records of the court.” The	This form was not one of the forms circulated for comment. The current form does appear, however, to provide sufficient information about when the judgment is entered, when it was renewed, and where this was entered in the court records (i.e., the case number) to satisfy the Code of

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Comments for SPR02-16  
Forms to be Recorded

	Commentator	Position	Comment on behalf of group?	Comment	Committees Responses
				Judicial Council form requests recording information on the judgment, i.e., where, when, and document number. While interesting information, it is nonetheless superfluous and, more importantly, does not request required information. Please advise or correct, or do something!	Civil Procedure section 683.140(b). Furthermore, the additional information regarding recording is not superfluous; it is required for any amended abstract by Government Code section 27361.6.
5.	Sue DuFour Supervising Legal Clerk II Superior Court of California, County of Stanislaus	A	N	Agree with proposed changes.	No response required.
6.	Tillie V. Fennessey Legal Secretary Merced County Family Support Division	A	N	While I agree with the proposal, I suggest revising <i>Acknowledgment of Satisfaction of Judgment</i> (form EJ-100) to accommodate multiple references to recorded judgments in item 6. Please consider the following: 1 Reduce the space used in item 5. 2. Place item 5a on the same line with item 5a(1) and 5a(2). 3 Place item 5b on the same line with item 5b(1) and 5b(2). 4 Increase the line spacing after item 6 for the user to list up to four recordings.	The Civil and Small Claims Advisory Committee agreed that more space should be provided to accommodate multiple references to recorded judgments. It created the space by a somewhat different means, i.e., deleting the lines for indicating where judgments are entered by the court, which are rarely used.
7.	Stephanie Harbin Supervising Legal Clerk II Superior Court of California, County of Stanislaus	A	N	Agree with proposed changes.	No response required.
8.	Peggy Ketchem Court Manager Superior Court of California, County of Los Angeles	A	N	Clerks at filing windows would need to be trained to be very careful not to use the upper right-hand corner (with proposed new recorder's boxes) for the court's file stamp. They are in the habit of doing this.	The committees agreed that training in the use of the new forms would be desirable to avoid problems.

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Comments for SPR02-16  
Forms to be Recorded

	Commentator	Position	Comment on behalf of group?	Comment	Committees Responses
9.	Tony Klein President Process Server Institute	N	N	<p>The <i>Memorandum of Garnishee</i> (form AT-167, EJ-152) is NEVER recorded and, thus, needs no “bite-out” for recording information. What it does need is a place to put the name of the garnishee responding to the attachment or levy. This identical form is sent to the sheriff by every person or entity served with a levy. When multiple levies are served in the same case, all garnishees respond to the sheriff with this form, resulting in extra work for the sheriff. The sheriff must determine which garnishee responded and which did not. Unless it is written in before service, that identity of the garnishee responding can be a guessing game, especially when service was made on more than one branch of a Wells Fargo Bank, for instance.</p> <p>I suggest a line or box toward the top of the form, perhaps between the “Notice to Person Served” memo and before item 1 or to the right. It should direct the garnishee to fill in the name of the entity responding to the levy or attachment.</p>	The Civil and Small Claims Advisory Committee agreed that this form needs further revision. Because these revisions will require that the form be recirculated again for comment, it recommends not revising the form at this time just to eliminate the recorder’s box, revising it more extensively next year, and then circulating it for comment.
10.	Judith R. Klein-Pritchard Assistant Director of Legal Services Center for Family Solutions El Centro, California	A	N	Agree with proposed changes.	No response required.
11.	Mark Lomax	N	N	<i>Acknowledgment of Satisfaction of Judgment</i> (form EJ-100): The revised draft contains a space only for the book and page number of the previously recorded document. Apparently, recorders in many	The Civil and Small Claims Advisory Committee agreed and modified the form to refer to “Instrument Number.”

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Comments for SPR02-16  
Forms to be Recorded

	Commentator	Position	Comment on behalf of group?	Comment	Committees Responses
				counties (including Los Angeles) do not use book and page numbers but instead use document identification numbers.	
12.	Andrea Nelson Deputy Court Executive Officer Superior Court of California, County of Butte	A	N	Agree with proposed changes.	No response required.
13.	Lenor R. Noll Deputy Court Executive Officer Superior Court of California, County of Monterey	A	N	Agree with proposed changes.	No response required.
14.	Hon. Harry R. Sheppard Presiding Judge Superior Court of California, County of Alameda Oakland, California	A	N	Agree with proposed changes.	No response required
15.	Lee Silva-Combs Deputy Court Executive Officer Superior Court of California, County of Monterey	A	N	<i>Writ of Execution</i> (form EJ-130): The boxes are too small for the names and addresses of the judgment debtors.	While it might be desirable to have more space, the form should be kept to one page. The boxes are small, but still adequate. Hence, this aspect of the form has not been changed.
16.	Jan P. Stieger Executive Director California Association of Collectors, Inc. Sacramento, California	AM	Y	One member of the association commented on the <i>Abstract of Judgment</i> (form EJ-001). The member indicates that where he is supposed to indicate the court name, there is not enough room for the name of the court. Since all the courts are unified, the title is Superior Court of California, County of _____. The space in which to fill this out is so small it hardly	The title of the court on the form has been modified.

Positions: A = Agree; AM = Agree only if modified; N = Do not agree.

Comments for SPR02-16  
Forms to be Recorded

	Commentator	Position	Comment on behalf of group?	Comment	Committees Responses
				has room for just the “Superior Court of California.” Is this a small change that you could implement?	

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